

## Annex 1

### **Act XCI. of 1995 on Veterinary Issues** *as amended by* **Act XXII. of 2001 on the Amendment of Act XCI. of 1995** *on Veterinary Issues*

The Parliament

- Having regard to the fact that the interests of the national economy are involved in the animal health security of the keeping of animals, the manufacturing, storage, utilization and marketing of the products of animal origin, the foodstuffs, the feedingstuffs and the veterinary medicinal products, and in meeting our domestic and international commitments deriving from it;
  - With a view to the continuous development of the standards and methods of epidemiology and hygiene of animal keeping, production of foodstuffs, veterinary medicinal products, feedingstuffs and products of animal origin and that of public health, animal welfare and environmental protection as regards animal health;
  - In order to enhance continuous cooperation with international organizations, and participation in the establishment of the conditions of harmonization with international regulation systems, and to provide appropriate legal framework for the exercise of animal health administration and the activity of official veterinarians
- passes the following Act:

#### **CHAPTER I.**

##### *Common Provisions*

##### *Scope of the Act*

##### **Article 1**

- (1) The scope of the Act covers:
  - a) epidemiological and hygienic inspection of the keeping and marketing of the animal - including wild animals - (hereinafter: animal), the manufacturing, storage, utilization and marketing of products of animal origin, the manufacturing and storage of foodstuffs, the marketing of foodstuffs of animal origin, the manufacturing, storage, marketing and utilization of feedingstuffs and the contaminant substances and instruments,
  - b) the maintenance, examination and medication of the animal's state of health,
  - c) the manufacturing, placing on the market, marketing, storage and utilization of the veterinary medicinal product,
  - d) the activity of the public veterinary laboratory,
  - e) certain activities carried out with pathogens of animal diseases (hereinafter 'pathogen'), and
  - f) the approval and checking of activities defined under subsections a)-e).
- (2) The Minister of Agriculture (hereinafter: 'Minister') may rule a deviation from the epidemiological and hygienic provisions of this Act as regards animals owned by the Ministry of Home Affairs, the Ministry of Defence, the Ministry of Finance and the organs of the National Security Bureau and the institutions thereof, which keep these animals for service purposes to help them exercise their basic activities.
- (3) The provisions of separate legal rules on animal husbandry, the manufacturing, storage, utilization, marketing of foodstuffs and feedingstuffs, and the conditions of the exercise of the

veterinary service activity shall be applied in compliance with the requirements set out in this Act.

### *Definitions of Terms*

#### **Article 2**

For the purposes of this law the following definitions shall apply:

1. *animal health*: activity implying epidemiological, medication, animal hygiene, reproduction biological and feedingstuff hygiene duties of animal keeping and animal marketing; epidemiological and hygiene duties of the manufacturing, storage and utilization of foodstuff; epidemiological and hygiene duties of the marketing of foodstuffs of animal origin; duties of manufacturing, placing on the market, marketing, storage, utilization, approval and checking of veterinary medicinal products, and the checking, organisation and means supply of the mentioned duties and also research and education connected to them;
2. *veterinary service (private veterinary) practice*: activity falling within the Act XCIV. of 1995. on the Hungarian Veterinary Chamber and on the private veterinary practice;
3. *animal marketing*: sale of the animal within the framework of a businesslike activity;
4. *veterinary medicinal product*: every substance or product applied in influencing and examining the physiological and pathological state of the living animal, the animal medicines, veterinary vaccines and diagnostic substances, veterinary curative products, non nutritive xenobiotic feedingstuff additives given above physiological necessity, holding specific vaccines, magistral veterinarian medicinal products, veterinary medicinal subsidiaries;
5. *animal hygiene*: animal disease related system of requirements as regards the keeping of the animals, the manufacturing, storage and placing on the market of foodstuffs and products of animal origin;
6. *animal clinic*: animal hospital institution serving also as a means of university education and research;
7. *animal hospital*: veterinary service institute managed by a qualified veterinarian, which ensures the veterinary examination, medication and the temporary hospitalizing of the animal;
8. *veterinary laboratory*: laboratory carrying out clinical diagnostic complementary examinations connected to veterinary service activity;
9. *veterinary surgery*: premises designed for the examination and medication of the animal;
10. *veterinarian activity*: may be practised only by a qualified veterinarian, and involves examination of the animal's health status, preventive and medicinal intervention, prescription of medicines for animal, foodstuff-hygiene inspection, expertise activity, advisory activity, and the examination, postmortem examination, products of animal and other origin (falling under the sphere of responsibilities of animal health) and diagnostic sample sending, and the administrative activity connected to these;
11. *foodstuff of animal origin*: animal and every edible part, product and raw material of it intended for human consumption in the form of semi-finished and finished products;
12. *by-product of animal origin*: material utilizable by further processing produced during the processing of the animal or its products;
13. *product of animal origin*: utilizable material not qualified as foodstuff derived from the living, slaughtered or dead animal;
14. *waste of animal origin*: the animal corpse, the by-product and the non-utilizable material of animal origin;

15. *rendering of the waste of animal origin*: a procedure, as a result of which the animal waste is incapable of spreading diseases, the environmental stress caused by the waste decreases and the harmful effects of the waste, polluting and endangering the environment are eliminated and excluded;
16. *owner of the waste of animal origin*: the animal keeper, the person carrying out the hunting, fishing, angling, animal husbandry or animal propagation, the operator of the slaughter house, of the foodstuff-manufacturing factory, or of the establishment processing and marketing the animal product;
17. *animal transportation*: changing of the animal's holding by means of driving on foot, transportation by a vehicle or in any other way;
18. *animal keeper*: the owner of the animal or the person monitoring the animal or the stock;
19. *foodstuff-hygiene*: system of requirements connected to suitability for consumption as regards the manufacturing and marketing of foodstuffs, and the prevention and elimination of infections and other sickness spread by foodstuffs;
20. *contaminant*: living creature, living or dead matter able to spread contagious animal diseases;
21. *contagious animal disease*: animal disease caused by a pathogen;
22. *veterinary laboratory of a holding*: a laboratory operated by the animal keeper for the examination of the health status of his own breed stock, which may not carry out any activity with pathogens of notifiable animal diseases;
23. *non-utilizable material derived from animals*: part of the animal not suitable for consumption or industrial processing;
24. *official veterinary activity*: the administrative, authorising and controlling activity of the State in the fields of veterinary issues;
25. *epidemiology*: provisions made for the protection against, the identification and elimination of diseases spread by contaminants or by other media, caused by a pathogen dangerous for animals and men, and the implementation of these provisions;
26. *epidemic animal diseases*: contagious animal disease quickly spreading from animal to animal, or from breeding stock to breeding stock;
27. *emergency slaughter*: urgent bleeding of an animal injured or dying carried out so as to prevent its death and prevent its meat from becoming unsuitable for consumption because of the exacerbation of the disease;
28. *application of territorial (regional) principle*: in case of an outbreak of an infectious disease able to cause great economical loss and in relation of which the importer countries apply or may apply restrictions on those consignments originating from Hungary that are obliged to veterinary examination, the application of the principle means the determination of the geographical or administrative area where special veterinary measures can be implemented in order to prevent the spreading of the infection through live animals, breeding materials, products of animal origin, feedingstuffs, or any other goods capable to spread the infection;
29. *residue*: xenobiotic substances used during the production, treatment, manufacturing and storage of feedingstuffs or foodstuffs, chemical substances used as pesticides or present as a result of the utilization of veterinary medicinal products, and the total amount of the biologically active decomposition products of these;
30. *non-nutritive xenobiotic feedingstuff additive*: residue forming substance without nutritive value - including growth promoters -, not a natural component of the animal body serving the enhancement of feedingstuff utilization;
31. *public veterinary laboratory*: a laboratory carrying out assessment and exclusion of animal diseases, complementary diagnostic examinations proving contamination or free status from a

disease, analysis of veterinary medicinal products, toxicological and other examinations relating to pathogens damaging animals' health, foodstuff hygiene and feedingstuff hygiene examinations on the veterinarian's order, or for the foundation of the decision made by the animal health authority;

32. *parasitocoenosis*: injury to health caused by parasites in other species;

33. *reproduction biology*: practice and animal health conditions of the production of healthy progeny;

34. *pollution substance*: every alien substance which in the course of animal keeping, manufacturing, production, storage or transportation may get into the final product from the instruments and equipments touching the foodstuff or the feedingstuff;

35. *feedingstuff hygiene*: system of requirements for the manufacturing, storage and placing on the market of the feedingstuff connected to animal diseases and suitability for consumption with a view to animal health, the prevention and elimination of feedingstuff harm and of infections spread by feedingstuffs, and the prevention and elimination of human illness by means of the product;

36. *zoonosis*: infection, illness spreading from an animal to a man or from a man to an animal.

37. *food safety on products of animal origin*: a system of conditions and procedures concerning veterinary issues, which includes the prevention and elimination of the effects of all those factors that cause, during the production of food of animal origin, such changes that threaten the consumers' health. This judgment concerning food safety is the basis of the decision-making on fitness for human consumption.

## CHAPTER II.

### HEALTH PROTECTION OF THE ANIMAL

#### *Animal health requirements of animal keeping*

##### Article 3

(1) In the course of animal keeping the animal health, public health, environmental protection and animal welfare rules shall be complied with; these must be applied during the transportation and marketing of the animal, and during the manufacturing, processing, storage and marketing of foodstuffs and products of animal origin.

(2) For feeding and watering the animal only such feedingstuff and water shall be used which do not endanger the health of the animal, and indirectly that of man.

(3) It is forbidden to utilize with the purpose of enhancing the reproduction and production results of the animal any substances with hormone content - defined in the legal rule - or hormonal activity, and any other substances harmful to the health of men or animals.

(4) It is forbidden to enhance the sports results or other kinds of achievement of the animal with dopes or interventions having similar effect.

##### Article 4

(1) Approval of the veterinary authority is necessary for the establishment and operation of an animal clinic, animal hospital, veterinary surgery and veterinary laboratory.



- (2) An animal shelter, pet-shop, animal cosmetics, animal pension, zoo, game preserve, animal cemetery (crematorium) may be established and operated with the professional authority consent of the veterinary authority.
- (3) The licence required for establishing a holding shall be issued with the professional authority consent of the veterinary authority.

### *Rights and obligations of the animal keeper and the veterinarian*

#### **Article 5**

- (1) The animal keeper shall
  - (a) regularly provide for the veterinary health provision of his animal;
  - (b) in case of keeping a certain number of animals laid down according to species in legislation *the animal keeper is obliged to* keep a record of the animals, ensure the veterinary surveillance by written contract, and inform the veterinary practitioner in charge of the surveillance of the animals and the notary of the local authority, of the number and species of the animals, the keeping place of animals as well as of any changes concerning the above data;
  - (c) report the illness or the suspicion of a disease of the animal to the veterinarian, have his sick animal, or the suspect animal examined, and execute - without delay in cases provided for in the legal rule - the instructions of the veterinarian relating to the treatment of the animal and of the animal stock, and to the prevention of the further spreading of the disease;
  - (d) allow the examination, treatment, vaccination, transportation and slaughtering of his animal ordered by the veterinary authority for epidemiological and hygiene reasons, provide assistance for the acting veterinarian, and cooperate to the extent of his obligation for the mitigation of damages;
  - (e) report the death of the animal, or the emergency slaughtering of the animal executed without veterinarian assistance to the veterinarian, and present the animal for examination;
  - (f) have his slaughtered animal examined by the veterinarian in cases defined in the legal rule;
  - (g) provide for the rendering of the carcase of his animal, the by-products and the non-utilizable materials of animal origin;
  - (h) upon its request notify the method of rendering of the waste of animal origin allowed by the legal rule to the veterinary authority.
- (2) The obligation defined under subsection (c) of the indent (1) refers to
  - (a) the operator or the representative of the organisation entitled to hunting, fishing (angling), animal husbandry and animal propagation, and to the person who
  - (b) operates the animal holding (the farm) on behalf of the owner;
  - (c) monitors the animal;
  - (d) takes care of, tends, feeds and watches the animal;
  - (e) accompanies the animal on transportation.
- (3) When transporting the animal to a slaughter-house or the emergency slaughtering, and when transporting the animal, products and foodstuff of animal origin for sale, the animal keeper shall inform the acting veterinarian about the circumstances affecting the marketing of the animal, thus especially about the health status, the medication and the feeding of the animal according to the real situation.

- (4) The obligation for report and notification defined under subsections c) and e) of indent (1) refers to the operator of the veterinary inspection and medication institute, and to every person who specializes in or cooperates with the medication of animals, artificial insemination, embryo transfer, animal trade, animal transportation, meat inspection, and the sale, processing and rendering of slaughtered, killed or dead animals, and the raw products of animal origin;
- (5) The animal keeper is entitled to decide which authorized person he employs for veterinary service activity.
- (6) The veterinarian shall give information to the animal keeper on the keeping, feeding and health status of the animal, the measures to take, and the expected financial and legal consequences of these;
- (7) The veterinarian shall give first-aid and inform the animal keeper of the further possibilities or obligation for the employment of the veterinary service. In the event of suspicion to notifiable animal disease he shall provide the emergency treatment expected in the given situation, and simultaneously notify the person authorized to take official measures;

### *Epidemiological provisions*

#### **Article 6**

- (1) In the event of suspicion to or assessment of a notifiable animal disease the official veterinarian in charge shall report to the district veterinary officer, and defined in the legal rule to the territorially competent county (capital) veterinary and food-control station (hereinafter: station), too.
- (2) The notifiable animal diseases are included in *Annex I* to this Act.
- (3) The minister may – temporarily - order notification obligation for newly discovered infectious animal diseases seriously endangering the domestic animal stock and restricting the international trade or dangerous for man;
- (4) For the purpose of the prevention, assessment, stopping of spreading, decreasing the damage caused by, and the elimination of notifiable animal diseases, and according to the nature and the incidence of the disease the veterinary authority may order in cases defined in separate legal rules the following epidemiological measures:
- a) isolation,
  - b) official surveillance,
  - c) marketing restriction,
  - d) local cordon,
  - e) restriction on the holding,
  - f) ban on the issuing of animal passports,
  - g) establishment of a protective zone
  - h) diagnostic examination and slaughter for such purpose,
  - i) vaccination,
  - j) medical treatment,
  - k) isolated or closed slaughtering,
  - l) animal slaughtering (or having the animal slaughtered),
  - m) seizure and rendering of contaminant substance, instrument, object, foodstuff, feedingstuff and carcase,
  - n) disinfection.

- (5) More than one epidemiological provision may be ordered simultaneously. The ordering decision - irrespective to appeal - is to be implemented immediately.
- (6) Of the epidemiological provisions laid down in subsections a)-g) of indent (4) the veterinary authority shall at the same time inform the clerk of the local municipality, and the head clerk if in the capital, as well.
- (7) In case of an outbreak of an infectious disease able to cause great economical loss or interfering international trade the ministry may apply the territorial principle to ban the transport of live animals, breeding materials, products and foods of animal origin, feedingstuffs, or any other goods capable to spread the infection, and may implement further veterinary measures.

#### Article 7

- (1) The private veterinarian exercising veterinary (private veterinary) service activity in the event of suspicion of an epidemic animal disease shall take all the necessary measures in the way expected of him in the given situation for the purpose of eliminating the danger of the epidemic, and shall immediately report to the organ authorized to take further measures.
- (2) In case of occurrence or a suspicion of a notifiable disease, the private veterinarian is obliged to report it immediately to the district veterinary officer, and to proceed as directed in Point a) of Article 36. and give the necessary instructions to animal keepers.
- (3) In case of performance of certain obligations provided for in a separate legislation, and in agreement with the Hungarian Veterinarian Chamber, the private veterinarian may be employed by the head of the competent County Veterinary Station – for compensation and by refunding of costs – for official tasks laid down in Article 36.
- (4) Within the framework of an urgency treatment the veterinarian with the agreement of the keeper of the animal may order or assent to the emergency slaughter of the injured, ill or not transportable animal.

#### Article 8

- (1) In case of ordering epidemiological measures specified in Points h)–n) of Paragraph (4) of Article 6, the owner of the animal perished or slaughtered, or of the material, equipment or object destroyed because of the disease denominated in Annex 1, is entitled to state compensation – with the exceptions given in Paragraph (4).
- (2) The financial cover necessary for the compensation and for the rendering of waste of animal origin shall be planned and secured annually in the central budget by the Minister and the Minister of Finance.
- (3) The amount of compensation is the market value of the animal, material, equipment or object. The detailed rules of the loss assessment and the payment are laid down in a separate legislation. The payment of the compensation is provided for in the decision for prescription.”
- (4) Compensation is not due:
  - a) for animals imported into the country illegally or in spite of the prohibition, and for substances, instruments and objects connected to their keeping;
  - b) if the owner or his representative has not reported the animal's state being suspicious to a disease, and if he has violated the prescribed regulations;
  - c) if the owner has had knowledge of the illness or infection of the animal procured by means of transfer of ownership at the time of procuring the animal;
  - d) if epidemiological measures have been taken because of any other attributable behaviour of the animal keeper;

- e) for wild animals, except for domestic and protected animals living in a state of nature captured with authorization, which have been kept or bred in a confined place (in a game reserve, preserve, aviary) for at least six month;
- f) for animals kept for amusement or for scientific research, laboratory, service or circus show purposes;
- g) for manure and bedding;
- h) for animals and products kept and marketed by way of violation of animal health legal rules;

### ***Rendering of waste of animal origin***

#### **Article 9**

- (1) The waste of animal origin is to be rendered.
- (2) The owner, or if the owner is unknown, the local or the capital district municipality competent according to the site of the waste of animal origin is obliged to - with the exception defined in indent (3) - provide for the rendering of the waste of animal origin.
- (3) The rendering of waste of animal origin coming from the prevention, localisation and eradication of diseases denominated in Annex 1. is a State task, the implementation of which is arranged by the Station responsible for the region where the animal waste is.

#### **Article 10**

- (1) The rendering of the waste of animal origin can be carried out by a person who was given a licence for it (hereinafter: entrepreneur). The conditions of the issuing of the licence are the observance of animal health, public health and environmental protection requirements of the rendering of waste of animal origin, the preliminary assumption of obligations for complete rendering of waste of animal origin present on the territory indicated in the application for the approval, and the execution of the provision ordered on the basis of indent (3) of Section 9.
- (2) The licence for the entrepreneur is issued by the Station competent at the registered site of the enterprise with the consent of the environmental authority competent in the given region. If the animal waste collection involves the territory of several stations, or if the entrepreneur has several registered sites, it is necessary to have the consent of the Station of the area of collection, that of the Station of the registered site, and that of the environmental authority to issue the licence.
- (3) The entrepreneur shall start and exercise the activity of rendering of waste of animal origin only if he possesses the licence defined in indent (1).

#### **Article 11**

- (1) The waste of animal origin shall be rendered with the observance of the animal health, public health and environmental protection requirements.
- (2) The station in the course of the epidemiological measures shall charge an entrepreneur possessing the adequate technique and capacity with the rendering of waste of animal origin.
- (3) If the operator does not comply with the requirements defined in his preliminary assumption of obligations the station shall withdraw the issued licence, and - with the purpose of taking measures for withdrawing the entrepreneur certificate valid for this activity, and for cancelling this activity field - notifies the organisation having issued the entrepreneur certificate, the environmental protection authority having cooperated in the authorization as a professional authority, and the county court providing legal supervision as registry court.

## Article 12

- (1) The owner of the waste of animal origin, or if the owner is unknown the local municipality - with the exception defined under indent (2) - shall bear the costs of the rendering of the waste of animal origin. If the owner becomes known, he is obliged to pay the costs for the local municipality.
- (2) The cost of the rendering ordered by the station as an epidemiological measure is charged to the central budget.

## *The animal passport*

## Article 13

- (1) In order to verify the ownership of the animals as well as their veterinary negotiability the animal keeper is obliged – in cases laid down in legislation – to take out an animal passport, or an equivalent document (hereinafter called the ‘animal passport’) defined in a separate legislation for the following animals: horse, ass, mule, cattle, buffalo, pig, sheep, goat, and cloven-hoofed farmed game (e.g. wild boar, fallow deer, roe, deer, mouflon).
- (2) Prior to the taking out of the cattle licence the animal should be permanently identified in compliance with the requirements set out in animal health and animal husbandry legal rules.
- (3) The animal passport is made out – on payment of a fee – by the competent local authority according to the place of keeping, acquisition or alienation of the animals; by the notary of the district authority in the capital (hereinafter called the ‘notary’); or an organ or organisation defined in a separate legislation.
- (4) The obligation for payment of charge includes administration services enlisted in the statutory law, such as made out for the first time, as a duplicate copy or as a replacement, the registration of administration provisions and ownership changes, the validation of veterinary certificates, and subscriptions (hereinafter together: cattle licence administration).
- (5) For the administration of cattle licence fees defined in Annex III shall be paid.
- (6) The animal keeper is obliged to pay the fee due for the animal passport to the organ making out the animal passport in cash. The amount paid is the own revenue of the organ making out the animal passport.
- (7) In case that several administrative actions are performed in one procedure on the same animal passport, or on the same occasion and in relation with the same animal (e.g. making out a animal passport and an administrative measure), the fee must be paid only once; the amount is determined according to the highest tariff imposed on the actual measures.

## *Veterinary rules of the marketing and transportation of animals*

## Article 14

Animal marketing activity may be exercised, animal exhibitions, animal shows - including circus show activities carried out with animals - and animal races may be held on a location and at a time approved by the clerk of the local (in the capital district) municipality and with the consent and under the supervision of the competent veterinary professional authority.



### **Article 15**

The person who exercises animal marketing activity shall keep a registration of the animals marketed by himself - the content of which is defined under the legal rule -, and he shall show it to the competent authorities on inspection.

### **Article 16**

(1) Animals shall be collected, transported and driven on foot only without endangering the health of the animals in compliance with the provisions set out in the legal rule.

(2) Those cases when animals shall be transported with the accompaniment of animal health licence and under the supervision of the official veterinarian are defined in legal rule.

### **Article 17**

The animal deriving from an foreign stock, or imported into the country shall be isolated - under conditions, exceptions and period of time defined in legal rule - for the purpose of official surveillance.

### **Article 18**

(1) The animal, animal semen, foodstuff and product of animal origin, feedingstuff, other substance, instrument or object able to spread epidemic animal diseases, and branches of pathogens (hereinafter together: good) may be imported into, transported through or taken out of the country - with exceptions defined in legal rule - on the basis of a preliminary animal health licence, through a veterinary border station, with a valid certificate of health and origin (hereinafter: veterinarian certificate) issued by the official veterinarian competent according to the place of dispatch.

(2) It is prohibited to import into, transport through or take out of the country an animal that is ill or suspicious to an illness, an animal which is infected or suspicious to an infection, a dead animal and products originating from such an animal. If the station of destination of the animal or the animal product is situated in Hungary, the Minister may order a derogation from this prohibition in a regulation.

(3) The goods imported into the country shall be shown - together with the accompanying documents - at the border station and then to the official veterinarian competent according to the place of the first offloading executed in this country, and then according to the place of storage by its owner for inspection.

(4) The competent animal health authority shall confiscate the goods imported into the country by breach of requirements defined under subsections 1)-3) and order its rendering. All the costs involved in the proceeding are born by the owner of the good.

(5) The veterinary control must be carried out always at the place of origin, while the random check is done at the place of destination.

(6) In accordance with the rules of the single market, the veterinary control must be carried out at the Hungarian border posts constituting the exterior border of the European Union. Then the consignment may be transported freely on the territory of the single internal market.

(7) Detailed rules of the controls covered by Paragraphs (5)–(6) are laid down in a separate legislation.

### **Article 19**

If the epidemiological situation calls for it, an Act, a government regulation or a Minister regulation may order further veterinary conditions for the marketing and transportation of animals, products of animal origin, foodstuffs and feedingstuffs other than those defined under sections 14-18.

### ***Veterinary medicinal products***

### **Article 20**

- (1) Veterinary medicinal products - with exception defined in legal rule - may be manufactured in the country or tested outside laboratories only with a licence, and they may be imported into the country, placed on the market, marketed and utilized only with a licence for putting into the market and marketing issued after a registration proceeding.
- (2) The conditions of the registration, manufacturing, placing in the market, marketing and utilization of the veterinary medicinal product shall be established by the Minister in a decree.
- (3) The veterinarian is entitled to the ordering of registered medicines and medicines included in the Hungarian Drug Book in compliance with the professional and legal rule requirements.

### **Article 21**

- (1) The station shall - in compliance with separate legal rule - carry out inspection at manufacturers, distributors and users of registered veterinary medicinal products, and in the event of importation at the place of the first domestic storage of the registered veterinary medicinal product.
- (2) The station in the course of the proceeding may carry out sampling free of charge. The owner of the product may lay claim to taking a reference-sample.

### **Article 22**

It is only the District Veterinary Officer who may order the materials necessary for the implementation of the elimination and eradication programs of the diseases specified in Point h) of Paragraph (1) of Article 26. and Point f) of Article 29.

## **CHAPTER III.**

### ***The organization of veterinary administration***

### **Article 23**

- (1) Veterinary administration is executed by
  - a) the Minister;
  - b) the Ministry of Agriculture (hereinafter: Ministry);
  - c) by the station as a territorial veterinary organ; in tasks relating to the safety of production of food of animal origin, by the station and by the institution to be established on the basis of the present Act;
  - d) the veterinarian employed in public service legal relations at the organs of the station;
  - e) institutions pursuing activities falling under the sphere of responsibilities of animal health [together with those enlisted under subsections b)-e): state veterinary service];

- f) the body of representatives and the clerk of the local municipality (the capital general assembly and the body of capital district representatives in the capital); and
- g) the Chamber of Hungarian Veterinarians (hereinafter: Chamber).
- (2) The organs indicated under subsections a), b), c), d), f) of indent (1) have jurisdiction of veterinary authority (hereinafter: veterinary authorities).
- (3) Pursuant to subsection d) of indent (1) the following persons qualify as veterinarians:
  - a) the district veterinary officer, and
  - b) the veterinarian appointed by the Head of the station, to the territory of competence of the station, or for the task;
  - c) to the sub-office operating on the foodstuff manufacturing and marketing premises (hereinafter: food-hygienic sub-office);
  - d) to the veterinary border station [hereinafter: subsections a)-d) together: official veterinarian].
- (4) The competency area of the official veterinarian mentioned in subsections b)-c) of indent (3) shall be set out by the head of the station.
- (5) The Head of the station sets up veterinary districts; the activity of the official veterinarians working there is directed by the District Veterinary Officer.
- (6) In order to implement the measures for the prevention and eradication of the notifiable diseases specified in Annex 1, the Head of the station has right to employ - for compensation and by refunding of costs - a private veterinarian who is obliged to fulfil the task.
- (7) Separate Act lays down the tasks of the Chamber.
- (8) The financial cover necessary for executing the duties of the state veterinary service established in this Act shall be provided for from the central budget and from the administrative service fee revenues.

### *Provisions of the veterinary authority*

#### **Article 24**

- (1) In the course of the proceedings of the animal health authority the general rules of state administration proceedings shall be applied with regard to the derivations and amendments laid down in this Act.
- (2) As an epidemiological provision the veterinary authority in its competency area
  - a) may prohibit, restrict or control the entry into some areas and premises;
  - b) may order - subject to subsequent obligation for payment of charge in compliance with separate legal rules- the employment of a vehicle, building, equipment, instrument or substance;
  - c) may order the confiscation and rendering of an instrument, object or substance in compliance with the requirements of a separate legal rule;
  - d) may commence the proceeding by means of promulgation;
  - e) may summon the private person living elsewhere to his seat;
  - f) may announce the decision by displaying it.
- (3) The veterinary authority may take samples free of charge from the animal and the product to the measure necessary for the execution of official inspections, and it may order there-processing or rendering of the foodstuff, feedingstuff or veterinary medicinal product serving as a basis for inspection, and it also may order further inspection of the animal, and as an epidemiological provision the compulsory medication, vaccination or slaughtering of it.

- (4) If the animal health authority orders an epidemiological provision, and it prohibits the importation of the good into the country, the transportation of the good through the country and the taking out of the good from the country, the decision may be implemented immediately and irrespective of appeal.
- (5) The acting veterinary authority shall conduct the proceedings commenced on the client's initiative after the client's certifying his having met the obligation for payment of administration service fee.
- (6) The decision on the authorization of the factory-size production, registration, placing on the market and marketing of the veterinary medicinal product may also be passed over thirty days.

### *The forum-system of the veterinary authorities*

#### **Article 25**

- (1) The appeal given against the decisions of first instance made by the official veterinarian and the district veterinary officer shall be judged by the head of the station as a superior organisation.
- (2) The appeal given against the decision of first instance made by the head of the station shall be judged by the Ministry as a superior organisation.
- (3) The appeal given against the decision of first instance made by the Ministry shall be judged by the Minister.

### *The Minister's sphere of responsibilities and competence*

#### **Article 26**

- (1) Within the framework of the administration and organization duties of animal health the Minister
  - (a) shall determine and regulate the professional duties of animal health;
  - (b) shall establish stations, determine their competency areas, and assent to their organizational and operational rules;
  - (c) shall designate the veterinary border stations;
  - (d) shall contribute to the preparation and implementation of international veterinary agreements;
  - (e) shall contribute to the drawing up of plans for the development of veterinary education and postgraduate studies, shall designate those organizations and persons where veterinarians having graduated in the University of Veterinary Science (hereinafter: university) may serve their probation period, and shall provide for the financial means necessary for the training of probationers;
  - (f) shall set out the rules of the professional continuative education of official veterinarians, and provides the conditions necessary for it;
  - (g) shall assist the study of veterinary sciences and the comprehensive practical application of the results of domestic and foreign research, cooperating with the Hungarian Academy of Sciences, other scientific institutions, the university and other ministers concerned;
  - (h) may order - with the consent of the government - an eradication campaign supported by state financial means for the elimination of animal diseases causing considerable harm for the national economy or dangerous for public health, and he also may announce an epidemiological emergency;

- (i) in the event of an epidemiological emergency for the effective execution of his duties he may employ - by means of the Minister of Defence and the Minister of Home Affairs - on payment of charges secured by the government the formations of the military and police forces stationed on the endangered area or commanded there on his request with the exception of the national civil security service;
  - (j) shall take the necessary measures dependent on the international animal health situation;
  - (k) shall establish and remove institutions under the scope of the state veterinary service, and shall assent to the organizational and operational rules of the institutions;
  - (l) shall execute other duties set out in the legal rule.
- (2) In the course of the execution of his duties pursuant to indent (1) he shall cooperate with the ministers concerned, with the leaders of organisations with national sphere of competence, and with the Chamber.

#### **Article 27**

- (1) In his jurisdiction of veterinary authority the Minister
- (a)
  - (b) in the event of an extraordinary danger of epidemics he may order work for public purposes carried out on payment of charges, the employment of an establishment, means of transportation and other instrument and substance on the endangered area;
  - (c) shall authorize the placing on the market of veterinary medicinal products.
- (2) The Minister shall issue the licence defined under subsection c) of indent (1) - with the exception of diagnostic substances that do not get into the body of the animal - with the consent of the Minister of Public Welfare.

#### ***The National Veterinary Council***

#### **Article 28**

- (1) The Minister's administration of animal health shall be assisted by the National Veterinary Council (hereinafter: Council), which is an advisory and assessing body consisting of nine members.
- (2) The members of the Council shall be offered by the Minister from experts proposed by the university, the state veterinary service and the veterinarian professional representations.
- (3) The organizational and operational rules and the annual labour plan shall be drawn up by the Council and consented to by the Minister.
- (4) The conditions of the operation of the Council shall be provided for by the Minister.

#### ***Scope of responsibilities and competence of the Ministry***

#### **Article 29**

- Within the framework of the administration and organisation duties of animal health the Ministry
- a) shall execute duties regarding the administration of the state veterinary service under the scope determined by the Minister;
  - b) shall take measures in case of direct danger of a so far unknown disease for its prevention, exploration, elimination, and in the event of such a disease for the state compensation in compliance with section 8;



- c) shall determine the conditions of scientific, diagnostic and other activities related to pathogens, and shall authorize the exercise of the activity;
- d) shall operate a surveillance system, and shall have checking inspections carried out so as to clear up the regional or national incidence rate of, and the extent of infectedness caused by certain diseases, and in order to examine the residues occurring in foodstuffs and feedingstuffs;
- e) shall draw up a preliminary contingency plan necessary for the protection against epidemic animal diseases;
- f) shall provide for free vaccines and diagnostic substances necessary for the prevention and elimination of the epidemic animal disease;
- g) shall provide for the organisation of the execution of the state veterinary duties;
- h) shall determine the conditions of the animal exhibition, animal show and animal race held with international participation;
- i) shall keep the registration of veterinary medicinal products, and the registration of distributors dealing exclusively with veterinary medicinal products;
- j) shall execute the examination and inspection duties related to radiology set out in the legal rule;
- k) shall establish and operate the information system necessary for the execution of its duties defined in the Act;
- l) shall keep the national register of veterinarians;
- m) shall organize - with the contribution of the Hungarian Veterinary Chamber - the public involvement of private veterinarians all over the country;
- n) co-ordinates the prevention and eradication of the disease in case of imminent danger of epidemic in the territory of the whole country. Within the frames of protection the Ministry may share the tasks among the veterinary authorities and other organizations of the veterinary service differently than declared in this Act. The measures taken by the Ministry may be supervised by the Standing Veterinary Committee of the European Union.

### Article 30

In its jurisdiction of veterinary authority the Ministry

- a) shall authorize the importation of the goods into the country, the transportation of the goods through the country, and the taking out of the goods from the country;
- b) shall authorize the factory-size manufacturing and practical testing of veterinary medicinal products, and the marketing of those;
- c) shall authorize the importation of veterinary medicinal products;
- d) shall determine the list of veterinary medicinal products that may be added to feedingstuffs;
- e) shall authorize the placing on the market of new feedingstuffs containing xenobiotic additives;
- f) shall authorize - with the consent of the Ministry for the Protection of the Environment and Regional Development and the Ministry of Public Welfare - the importation of animals produced by means of gene-manipulation, and the manufacturing, testing, marketing and importation of feedingstuff and veterinary medicinal product which have been manufactured by the utilization of genetically altered organisms.

### Article 31

For the expenses of the execution of state duties defined under indent (1) of section 26, and subsections a) and b) of indent (1) of section 27 annually a target credit for the protection from epidemics shall be secured in the central budget. For the utilization of the target credit the Minister shall take measures in compliance with legal rules on budgetary economy.

### *Veterinary duties of the station*

### Article 32.

Within the framework of its veterinary administration and organisation duties the station

- a) shall organize the prevention, investigation and elimination of diseases on its competency area, and the implementation of the eradication campaign ordered pursuant to subsection h) of indent (1) of section 26;
- b) has the opportunity to operate a laboratory in support of official decisions;
- c) shall order actions prescribed in the legal rule (compulsory vaccinations, diagnostic examinations, protection from parasitocoenoses, etc.);
- d) in cooperation with the competent institutes shall investigate vaccination accidents, poisonings, reasons for the fact that the veterinary medicinal product has had no effect, and shall take measures for their prevention and elimination;
- e) during the execution of its duties set out in this Act shall be in continuous contact with the local municipality on its competency area, in the capital with the capital municipality, with the county or capital public administration office, with the regional institutions of the ÁNTSZ (hereinafter: Regional Institution), with the environmental protection authority competent according to site, and with the regional organs of the Chamber;
- f) shall organize an inspection and readiness service for the execution of its official duties;
- g) shall designate the seat of the official veterinarian, his operational area, and shall determine his duties in compliance with sections 36, 37 and 38;
- h) shall secure the provision of the veterinary service by means of the competent official veterinarian if necessary;
- i) shall execute the duties of foodstuff-, and feedingstuff quality check defined in the legal rule;
- j) shall participate in the establishment and operation of the system of the registration and identification of animals;

### Article 33

In its jurisdiction of veterinary authority of first instance the station

- a) shall order the official measures - defined in the legal rule - necessary in case of a danger of an epidemic, including the employment of the private veterinarian and economic organizations (eg. slaughter house, carcase processing plant) for public purposes;
- b) shall order the rendering of the carcase and by-products of animals having died of or slaughtered because of a dangerous disease which is also dangerous for humans, and the rendering of the infected substances and instruments, and he shall determine the method of rendering, and simultaneously he shall inform the clerk of the local municipality competent according to site, the environmental protection authority, the water conservancy authority and the Regional Institute if the rendering has been executed on a site or with a method other than those officially approved;

- c) shall determine - in cases defined in a separate legal rule - the method and period of time of the isolation of animals from a foreign stock with the purpose of animal health monitoring;
- d) shall judge the suitability of the quarantine chosen or designated for the reception of animals arriving from abroad;
- e) shall control with a view to animal health the operation of the market, live-stock fair, animal procurement, pet-shop, animal exhibition, animal show, animal race, animal pension, animal shelter, zoo and game reserve;
- f) shall authorize the establishment of an animal clinic, animal hospital, veterinary surgery and veterinary laboratory, and shall control their operation;
- g) shall control the veterinary authority activity of official veterinarians, and clerks of the local municipalities in its competency area;
- h) shall exercise official control over the activities of the private veterinarians operating in its competency area, shall act in the event of infringement of the law in its own jurisdiction, or shall commence an ethical proceeding at the Chamber, it also may suspend the activity in justified cases;
- i) shall authorize the operation of the slaughter site, slaughter house, butcher's shop, and other foodstuff manufacturing premises, such as the operation of the official butcher's shop, the establishment of export animal loading places and the use of means of transport,
- j) shall continuously control the suitability of the foodstuff manufacturing premises for export production in compliance with international requirements;
- k) shall restrict or prohibit with a view to epidemiology the utilization and placing on the market of finished foodstuffs and foodstuffs and raw materials of animal origin, shall determine further proceeding, and inform the competent authorities if necessary;
- l) shall authorize the exercise of animal protein processing activity within the framework of the rendering of waste of animal origin. On the authorization of an activity exercised on the territory of several counties the station competent according to the seat (premises) of the enterpereneur or of the economic organization shall decide, on the basis of the professional authority opinion of the stations concerned by the activity;
- m) shall authorize and control the utilization, further processing and handling of by-products derived from foodstuff manufacturing factories that may be utilized as feedstuffs;
- n) shall control the conditions of the manufacturing, marketing and utilization of veterinary medicinal products;
- o) shall execute a preliminary check-on-the-spot prior to the issuing of the licence entitling the holder for the marketing of veterinary medicinal products;
- p) shall control the utilization and marketing of veterinary medicinal products that may be added to feedstuffs;
- r) shall control with a view to animal health the factories manufacturing feedingstuff premixes and compound feedingstuff, and the marketing of those;
- s) shall take measures for taking under veterinary official supervision the goods under the sphere of competence of this Act, which arrived with the required licence or certification, but have fallen under veterinary restriction during the identity checks and other examinations;
- t) shall control the manufacturing of veterinary medicinal products, the final product, the marketing and the utilization;
- u) may order an isolated slaughter for epidemiological reasons;

- v) shall order the rendering of the waste, substance or instrument that requires a separate proceeding with a view to animal health, shall determine the method of the rendering and it shall inform the environmental protection authority;
- z) shall execute other duties referred under the sphere of competency of the legal rule.

#### **Article 34.**

With a view to the implementation of veterinary requirements the station as a professional authority

- a) with a view to epidemiology and hygiene shall qualify the propagating technologies, facilities, instruments, equipment and breeding farms of animal keeping and animal husbandry in advance;
- b) approves or does not approve)
  - ba) the establishment of places under the control of epidemiological supervision (places in which gathering, storing, processing and marketing of raw products and wastes of animal origin are performed, and/or hatcheries, pastures, dipping places),
  - bb) the establishment of livestock markets, loading docks for animals, places for acquisition of animals, animal shows, exhibitions and races, shelters, pensions and crematories for animals, zoos, pet shops and game parks.
- bc) the establishment and the transformation of animal holdings, animal marketing places, feedingstuff manufacturing factories, feedingstuff marketing and stores, artificial insemination stations, artificial embryo-transplant stations, poultry hatchery stations, artificial fish hatchery stations and queen-bee nurseries,
- bd) the professional exercise of animal trade and marketing activity.

#### ***The duties of the district veterinary officer***

#### **Article 35**

Within his sphere of authority the District Veterinary Officer

- a) organizes, manages and controls the official veterinarians and those who perform official tasks during their works;
- b) in cases of slaughter and compensation acts as the primary authority.

#### ***The duties of the official veterinarian***

#### **Article 36**

The official veterinarian

- a) shall execute epidemiological duties on the notification or perception of the animal disease or the suspicion of an animal disease, he shall take all the measures referred to his sphere of responsibilities and competency by this Act which are necessary for the prevention and elimination of the epidemic;
- b) shall report to the station in the event of suspicion of a notifiable animal disease;
- c) shall judge the conditions of the taking into isolation of animals from foreign stock at the site of the reception of the animals, and shall make suggestions for these conditions;
- d) shall control with a view to epidemiology the operation of the animal loading and animal procurement places;

- e) co-ordinates and controls the implementation of veterinary tasks (obligatory vaccinations, diagnostic examinations, prevention of parasitic infestations, etc.) laid down in legislations, and in reasonable cases (as defined in separate legislation) takes part in their implementation;
- f) in accordance with the separate legislation, performs and controls the examinations of meat originating from animals slaughtered for public consumption or for other purposes;
- g) in accordance with the separate legislation, authorizes and controls the inland transportation of goods falling within this law;
- h) shall execute the checking - prescribed in legal rule - of the international trade of goods under the scope of this Act, and shall make out the required veterinary certificates;
- i) in accordance with the separate legislation, controls the domestic trade of imported goods falling within this law and performs its veterinary supervision.
- j) shall control the rendering of waste of animal origin, substance or instrument requiring a separate proceeding with a view to animal health;
- k) shall control
  - ka) the observance of veterinary rules at the animal keeper and animal distributor, and the health status of the animals,
  - kb) the observance of veterinary rules at live-stock fairs, markets, procurement sites, animal exhibitions, animal shows, game preserves, animal races, animal pension, animal shelters, pet-shops, and in the marketing of animals and products of animal origin,
  - kc) the execution of examinations and treatments prescribed by the legal rule,
  - kd) the suitability of foodstuffs of animal origin for processing and human consumption,
  - ke) the circumstances of the propagation of the animals,
  - kf) the observance of epidemiological and food-hygienic requirements at foodstuff manufacturers and distributors,
  - kg) the observance of epidemiological and feedingstuff-hygienic requirements at feedingstuff manufacturers, utilizers and distributors,
  - kh) the feedingstuff to be used for the feeding of the animals, the pasture, the drinking water, the buildings serving for the placement of the animals, the facilities and equipments used during animal keeping, and the technology applied,
  - ki) the marketing and utilization of the veterinary medicinal product;
- l) shall execute other duties defined in the legal rule;
- m) in accordance with the separate legislation, controls:
  1. consignments imported from third countries - at the external borders of the EU,
  2. consignments to be exported into third countries - at the place of dispatch,
  3. consignments to be exported into EU member states - at the place of dispatch,
  4. consignments imported from EU member states or from third countries - at the place of destination, as a random check.

### Article 37

- (1) The official veterinarian operating at the veterinary border station (hereinafter: border station veterinarian)
  - a) shall control the observance of the veterinary provisions in the trade passing the frontier of the country, shall execute the control of the goods imported into, taken out of and transported through the country;



- b) in case of goods subject to veterinary inspection shall check the existence and validity of the required preliminary animal health licence (hereinafter: licence), and the veterinary provenance and health certificate;
- c) shall check the identity of the goods, the means of transportation and the health status of the living animal and its suitability for being transported;
- d) shall prohibit
  - da) the importation of a sick animal, an animal suspicious of a disease or infection, and the product originating from such an animal into the country, its transportation through the country, and its taking out of the country, except when the legal rule provides otherwise as for importation,
  - db) the importation of goods which are not accompanied by the prescribed license and certification into the country, and also its transportation through Hungary,
  - dc) the entering into the country of goods arriving accompanied with the prescribed license and certification, but not meeting the requirements set out in those documents;
  - e) if goods having arrived accompanied with the prescribed license and certification, but during the identity or other examinations falling under veterinary remonstrance
  - ea) arrived from a neighbouring country or with the purpose of being transported through the country, he shall direct its return,
  - eb) arrived not from a neighbouring country, but with a destination situated in Hungary, he shall let it enter the country, and simultaneously for the purpose of further measures to be taken he shall inform the station competent according to the place of destination and border station of the consignment and the Ministry;
  - f) simultaneously with letting the good enter the country he shall notify the station competent according to the place of destination;
  - g) shall execute other duties defined in the legal rule.
- (2) The administration and entry into the country of the customs documents of goods subject to veterinary control may take place only after the execution of an inspection subject to payment of a fee defined in the legal rule and certified by the border station veterinarian.
- (3) In the course of the execution of his duties the border station veterinarian - with the simultaneous notification of the station competent territorially - may cooperate directly with the Ministry and the neighbouring foreign veterinary organisation of the same level, with the customs and finance guard organs, the plant sanitation authority, the frontier guard organisation and other organs.

### Article 38

- (1) The official veterinarian operating at the food-hygienic sub-office (hereinafter: food-hygienic veterinarian)
  - a) shall control the observance of food-hygienic conditions of the factory, the technology and process of manufacturing, the storage, the marketing, and the persons participating in these;
  - b) shall check the certificates accompanying animals intended for human consumption;
  - c) shall execute the inspection of the animal for slaughter, and the meat inspection of slaughtered (killed, caught, collected) animals, the inspection of foodstuffs of animal origin, and he shall judge their suitability for consumption;
  - d) may execute empirical and instrumental examinations, sampling and supplementary examination, and he also may have a laboratory examination executed;
  - e) shall certify the suitability of foodstuffs of animal origin for consumption;

- f) shall continuously check the marketing of animals, foodstuffs and products of animal origin ;
  - g) shall check the collection of animal tissues and organs suitable for pharmaceutical production;
  - h) shall execute the duties defined under subsections f), g), h), i), j), kb), kf) of section 36;
  - i) shall execute other duties defined in the legal rule.
- (2) The food-hygienic veterinarian shall cooperate with public health and environmental protection authorities and with consumer protection organisation.

*Institutions exercising activities falling under the scope of veterinary responsibilities*

**Article 39**

- (1) The national and animal health institutions operating with regional responsibility as public veterinary laboratories
- a) in the first place shall contribute to the assessment of the causes of animal diseases, the exploration of the level of infection, and the execution of local and national eradication and disease-elimination campaigns by means of their diagnostic and other professional examinations;
  - b) shall contribute to the continuous modernization of diagnostic methods;
  - c) shall produce and procure diagnostic substances and instruments with a view to the application of examination methods conforming to international requirements;
  - d) in cooperation with the stations shall execute surveillance and target examinations on the basis of the commission of the Ministry;
  - e) shall execute reference-laboratory duties on the basis of the designation of the Ministry;
  - f) shall participate in research, and in the training of veterinarians and other veterinary experts;
  - g) shall handle their examination results in the national diagnostic database operated by the veterinary institute with national competence;
  - h) shall cooperate with the competent public health organs.
- (2) The veterinary institute with national competence shall inspect the professional operation of the veterinary laboratories.

**Article 40**

The institution executing foodstuff-inspection duties with national competence on its field

- a) shall execute surveillance and target examinations on the fields of microbiology, chemistry and radiology;
- b) shall execute the duties of the reference laboratory, the qualification of foodstuff inspection laboratories and their control by means of all-around examinations on the basis of designation;
- c) shall continuously carry out required hygienic suitability inspection of foodstuff industry facilities and equipments, and shall give an expert opinion about the result of the inspection, or shall give a suitability certificate to the user of the equipment;
- d) shall participate in research, and in the training of veterinarians and other veterinary experts;

### **Article 41**

- (1) The institute executing the duties of the inspection of veterinary vaccines and medicine shall operate as a professional institution with a national competence
  - a) in the registration procedures of veterinary medicinal products;
  - b) in the inspection of the manufacturing circumstances of veterinary medicinal products, and that of the final product;
  - c) in the control of veterinary medicinal products imported from abroad;
  - d) in the investigation as regards vaccination accidents and those cases when the veterinary medicinal products have had no effect.
- (2) The institute executing the duties defined under indent (1)
  - a) shall operate the central storage and collector of vaccination and diagnostic substances necessary for veterinary actions ordered by the state
  - b) shall participate in research, and in the training of veterinarians and other veterinary experts;

### ***Veterinary duties of the local municipality***

### **Article 42**

- (1) The assessment of the appointment of the veterinarian executing official duties in the area, and the assessment of the establishment of the veterinary area shall fall under the competence of the body of representatives of the local municipality (in the capital the body of capital district representatives).
- (2) The local municipality as a compulsory duty shall provide for
  - a) the execution of duties relating to the rendering of waste of animal origin;
  - b) the catching, guarding and sale or rendering of stray dogs in the inner area of the habitation, and the execution of duties relating to the extermination without compensation of dogs and cats dangerous for men with a view to public health, and showing the symptoms or suspicious to a disease endangering the health of the animal stock;
  - c) the organization of the obligatory vaccination of dogs against rabies - with the assistance of the District Veterinary Officer - on the base of lists and registration.
- (3) On the inner area of the capital the capital municipality shall provide for the execution of duties relating to the catching, guarding, sale or rendering of stray dogs.
- (4) The official measures to be taken - defined in a separate legal rule - in the event of suspicion of notifiable animal diseases, and the keeping of the registration of the wandering of the bees fall under the clerk's sphere of authority.

## **CHAPTER IV.**

## **FINAL PROVISIONS**

### ***Animal health fine***

### **Article 43**

- (1) Veterinary fine should be imposed upon those people who infringe - through their own faults - on the prescriptions covered by Paragraph (1) of Article 5 and/or Paragraphs (2)-(4) of Article 5. There is no opportunity to impose veterinary fine on cases in which the interval between the act

and its acknowledgement by the veterinary authority is more than one year, or three years expired after the act was committed.

(2) The animal health fine shall be established by the head of the station in a decision.

(3) The minimum amount of the fine is twenty thousand HUF, and the maximum amount of it is one million HUF. The amount of the fine shall be paid on the account of the station having imposed the fine, and the Ministry shall decide on the utilization of the sums received with a view to the execution of the animal health duties of the station.

### *Provisions for coming into force and amendment*

#### **Article 44**

This Act comes into force on the 1st of July 1996. at the same time the following shall be repealed:

- a) Decree of Legal Force 3 of 1981, and section 4, and section 6, indent (1) of Act VII of 1991, and Act XVI of 1993 amending it;
- b) section 39, subsection b), indent (1), and section 40, subsections a)-c), and section 41, indent (1) of Act XX of 1991 on the Sheres of Responsibilities and Competence of the Local Municipalities and the Organs thereof, the Representatives of the Republic, and Certain Organs with Central Subordination;
- c) 1993/48 Governmental Regulation of 24. III. on the Application for and Administration of Cattle Licence;
- d) section 18 of 1991/44 Governmental Regulation of 14. III. on County (Capital) Agricultural Offices, and the Amendment of Certain Legal Rules Establishing Agricultural professional Technical Administration Responsibilities.

(2) The entrepreneur certificates for the rendering of waste of animal origin and licenses for the exercise of the activity issued before the coming into force of the Act are valid for another 180 days. During this period of time entrepreneurs executing the rendering of the waste of animal origin in compliance with earlier provisions are obliged to apply for a new license pursuant to indent (1) of section 10. Licenses for the manufacturing of minced meat shall be repealed after one year following the coming into force of the Act.

(3)<sup>1</sup>

(4)<sup>2</sup>

#### **Article 45**

The Minister of Agriculture shall be authorized to establish in a regulation

1. the detailed rules relating to the implementation of the Act in the Animal Health Regulations, thus especially

- a) the detailed conditions of compensation,
- b) The detailed rules for activities relating to the the rendering of waste of animal origin, and the measure of the fine in agreement with the Minister for the Protection of the Environment and Regional Development and the Minister of Public Welfare,<sup>3</sup>

<sup>1</sup> Incorporated: section 16, subsection b) of Act CXIV of 1993.

<sup>2</sup> Incorporated: section 33, indent (2), subsection 25 of Act XCIII of 1990

<sup>3</sup> See: 1997/10 FM Regulation of 12. II.

- c) the conditions of the veterinary restrictive measures,
  - d) the veterinary conditions of the international trade of the goods falling under the scope of the Act,
  - e) the rules of food-hygiene in agreement with the Minister of Public Welfare,
  - f) the rules of feedingstuff-hygiene in agreement with the Minister of Public Welfare,
  - g) the conditions of the trade and transportation of the animals, products of animal origin, foodstuffs and feedingstuffs;
- 2. in the event of a danger of epidemic the measure of the payment and payment of expenses of the employment for public purposes;
  - 3. the sphere, rate of fees and procedure rules of responsibilities subject to payment of charge;
  - 4. the manufacturing, registration, placing on the market, distribution and utilization of veterinary medicinal products;<sup>34</sup>
  - 5. the detailed rules relating to the application for and administration of the cattle licence;<sup>45</sup>
  - 6. the ceiling of the compensation concerning the epidemiological measures in every year, on the base of the inflation rate published by the Central Office of Statistics, within 30 days following its publication;
  - 7. further veterinary conditions in compliance with section 19; and
  - 8. to designate the institutions exercising activities falling under the sphere of veterinary responsibilities .
  - 9. the institution performing the tasks defined in this Act and its implementing decrees concerning production safety of foodstuffs of animal origin, and establishes the rules of its operation;
  - 10. the rules concerning the application of electro-medical devices used in the field of zoo therapy;
  - 11. the rules issued for the sake of harmonization with the veterinary legislation of the European Community.

### *Harmonization with the law of the European Community*

#### **Article 46**

This Act contains legislation-in accordance with Article 3 of the Act No I/1994 on the publication of the European Agreement, signed in Brussels on 16<sup>th</sup> of December, 1991, concerning the establishment of the association between the European community and its member states and the Hungarian Republic - partly compatible with the following legislations of the European Community:

- a) Council Directive No 64/432/EEC on the veterinary problems concerning the trade of bovine and porcine animals;
- b) Council Directive No 80/217/EEC on the introduction of measures on community level for the control of classical swine fever;

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<sup>4</sup> See: 1996/22 FM Regulation of 9. VII.

<sup>5</sup> See: 1996/21 FM Regulation of 9. VII.



- c) Council Directive No 82/894/EEC on the notifiable animal diseases within the Community;
- d) Council Directive No 85/511/EEC on the introduction of Community measures against foot and mouth disease;
- e) Council Directive No 89/662/EEC on the regulation of veterinary control of trade within the Community regarding the single internal market;
- f) Council Directive No 90/425/EEC on the veterinary and breeding controls applicable for trade of live animals and products of animal origin within the Community in the view of the expansion of the internal market;
- g) Council Directive No 91/496/EEC on the principles determining the organization of veterinary control of animals imported from third countries and on the amendments of Council Directives No 89/662/EEC, No 90/425/EEC and No 90/675/EEC."

ANNEX 1 TO ACT XCI OF 1995 ON ANIMAL HEALTH

**Notifiable animal diseases**

1. Foot-and-mouth disease
2. Vesicular stomatitis
3. Swine vesicular disease (SVD)
4. Rinderpest
5. Peste des petits ruminants
6. Contagious bovine pleuropneumonia
7. Lumpy skin disease
8. Rift-Valley fever
9. Bluetongue
10. Sheep pox and goat pox
11. African horse sickness
12. African swine fever
13. Classical swine fever (hog cholera)
14. Highly pathogenic avian influenza (fowl plague)
15. Newcastle-disease
16. Bovine tuberculosis
17. Porcine enteroviral encephalomyelitis (previously Teschen/Talfan disease)
18. Rabies
19. Glanders
20. Dourine
21. Equine infectious anaemia
22. Equine encephalomyelitis (Eastern, Western, Venezuelan)
23. Viral haemorrhagic disease of rabbits
24. American and European foulbrood
25. Bovine spongiform encephalopathy (BSE)
26. diseases of sea molluscs (*Bonamia ostreae*, *Mareilia refringens*)
27. Brucellosis
28. Duck virus enteritis
29. Aujeszky's disease
30. Anthrax
31. Scabies
32. Enzootic bovine leukosis
33. Spring viremia of carps
34. Infectious hematopoietic necrosis of trouts
35. Scrapie
36. Viral haemorrhagic septicaemia (VHS) in trout

ANNEX 2 TO ACT XCI OF 1995 ON ANIMAL HEALTH**The measure of compensation due in the event of taking epidemiological measures**

1. The measure of compensation due pursuant to indent (1) of section 8 is the 90 % of the market value of the animal, substance, instrument or object, but as regards the individual animal species it may not exceed the following maximum sums per animal:

horse	450 000 HUF
cattle	200 000 HUF
swine	70 000 HUF
sheep	20 000 HUF
goat	10 000 HUF
poultry	1 500 HUF
colony of bees	6 000 HUF
rabbit	1 000 HUF

2. The amount of the compensation shall be reduced

a) by 10 per cent if in the concerned herd there are

more than 300	cattles
more than 3000	swines
more than 20 000	laying hens
more than 30 000	broilers

bred;

b) by 20 per cent if in the concerned herd there are

more than 6000	swines
more than 50 000	laying hens
more than 100 000	broilers

bred.

ANNEX 3 TO ACT XCI ON ANIMAL HEALTH**The measure of the fee to be paid for the taking out and the administration of the animal passport**

1. As regards horses, donkeys, mules, cattle and buffalos

a) for the taking out of the cattle licence for the first time	300 HUF
b) for the making out of the duplicate copy of the cattle licence	300 HUF
c) for the registration of administration provision	200 HUF
d) for the renewal of animal health certificate	50 HUF

2. As regards swine, sheep, goats and wild cloven hoofed domestic animals bred in an enclosed place (eg. wild boar, fallow-deer, roe-deer, deer, moufflon)

a) for the taking out of the individual animal passport for the first time	100 HUF
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- b) for the administration provisions listed under subsections b), c), d) of indent 1 uniformly  
50 HUF
- 3. As regards animals listed under indent 2
  - a) for the taking out of the collective cattle licence for 1-35 animals 100 HUF
  - b) for the administration provisions listed under subsections b), c), d) of indent 1 uniformly  
50 HUF
- 4. For the registration from the collective animal passport, independent of the number of animals uniformly  
100 HUF
- 5. For the replacement of a lost animal passport double the price of the taking out of the animal passport for the first time shall be paid.
- 6. For the replacement of a damaged animal passport the price of the taking out of the animal passport for the first time shall be paid.
- 7. For the registration of a change of ownership the price of the first taking out of the animal passport shall be paid.
- 8. The fee includes the charges of the printed matter of animal passport as well.